

1 **MEYLAN DAVITT JAIN AREVIAN & KIM LLP**

2 VINCENT J. DAVITT (State Bar No. 130649)

3 ANITA JAIN (State Bar No. 192961)

4 TROY H. SLOME (State Bar No. 176582)

5 GRACE C. LEE (State Bar No. 293383)

6 444 South Flower Street, Suite 1850

7 Los Angeles, California 90071

8 Email: vdavitt@mdjalaw.com / ajain@mdjalaw.com

9 tslome@mdjalaw.com / glee@mdjalaw.com

10 Telephone: (213) 225-6000; Fax: (213) 225-6660

11 Attorneys for Interested Parties Eric Kutcher and Lauren Kutcher

12 **UNITED STATES BANKRUPTCY COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 In re:

15 DUTCHINTS DEVELOPMENT LLC,

16 Debtor.

Case No.: 21-BK-51255

Chapter 11

[Assigned to: Hon. M. Elaine Hammond]

17 **INTERESTED PARTIES ERIC KUTCHER**
18 **AND LAUREN KUTCHER'S NOTICE OF**
19 **HEARING ON MOTION FOR RELIEF**
20 **FROM AUTOMATIC STAY AS TO NON-**
21 **DEBTOR VAHE TASHJIAN**

22 **PRELIMINARY HEARING:**

23 DATE: February 4, 2022

24 TIME: 10:00 a.m.

25 PLACE: **Via Video/Teleconference¹**

26 280 South First Street

27 Courtroom 11

28 San Jose, California 95113

¹ Please see Judge Hammond's practices and procedures at www.canb.uscourts.gov for information on how to attend via video or teleconference.

1 **TO THE COURT, DEBTOR, ALL CREDITORS, THE UNITED STATES TRUSTEE AND**
2 **ALL PARTIES IN INTEREST:**

3 **NOTICE IS HEREBY GIVEN**, that on February 4, 2022 at 10:00 am before the Honorable
4 M. Elaine Hammond, Judge of the United States Bankruptcy Court, via Video/Teleconference on
5 Zoom, interested parties Eric Kutcher and Lauren Kutcher (jointly, **“Interested Parties”** or the
6 **“Kutchers”**) will move the Court for an order for relief from the automatic stay provisions of 11
7 U.S.C. § 362 in order to permit the Kutchers to proceed on their claims against non-debtor Vahe
8 Tashjian (**“Tashjian”** or **“Respondent”**) on their pending civil action before the Superior Court of
9 the State of California for the County of Santa Clara, Case No. 20CV369499 (the **“State Court**
10 **Action”**). Respondent is advised to appear personally or by counsel at the preliminary hearing at the
11 time and place noted above.

12 This Motion for Relief from Automatic Stay as to Non-Debtor Vahe Tashjian (**“Motion”**) is
13 made for cause and due to the fraudulent and tortious actions of Tashjian, a non-debtor, in making
14 material misrepresentations to induce the Kutchers to purchase real property located at 24925
15 Oneonta Drive in Los Altos Hills, California (the **“Property”**) for \$9.45 million, while intentionally
16 hiding his knowledge that a prior lienholder had taken actions to enforce an alleged agreement to
17 revive a previously reconveyed deed of trust for an alleged \$2.7 million loan against the Property.
18 The Kutchers seek an order terminating and vacating the automatic stay for all purposes as it pertains
19 to the Kutchers’ prosecution of any current and potential claims against Tashjian in the State Court
20 Action.

21 This Motion is based upon this Notice of Hearing, the attached Memorandum of Points and
22 Authorities, the Declaration of Anita Jain in support of the Motion and the exhibits thereto, and
23 Relief from Stay Cover Sheet, all of which are filed and served concurrently herewith.

24 **PLEASE TAKE FURTHER NOTICE** that the hearing will take place by video or
25 teleconference. Please see Judge Hammond’s posted calendar for the hearing at
26 www.canb.uscourts.gov for information on how to attend via video or teleconference.

27 **PLEASE TAKE FURTHER NOTICE** that failure to appear at the hearing on the Motion
28 may result in the Court granting Movant relief from stay as requested in the Motion.

1 DATED: January 21, 2022

MEYLAN DAVITT JAIN AREVIAN & KIM LLP

3 By: /s/ Troy H. Slome

4 Troy H. Slome

Attorneys for Interested Parties

Eric Kutcher and Lauren Kutcher